

GMA Update: Issues To Consider When Reviewing Comprehensive Plans and Development Regulations

The Washington State Office of Community Development (OCD) and state agencies that review and comment on comprehensive plans and development regulations have prepared the following set of questions. Its purpose is to help guide Washington counties and cities with the required review and evaluation, and if necessary, the revision of comprehensive plans and development regulations, including ordinances to protect critical areas and conserve resource lands, for consistency with the Growth Management Act (GMA), as required by RCW 36.70A.130(1). The deadline for any needed changes is September 1, 2002. These questions have been designed to help local planners, elected officials, planning commissions, and citizens focus on key aspects of city and county comprehensive plans and development regulations that may need review due to: (a) amendments to the GMA since the adoption of local plans or regulations; (b) other new laws or events, such as Endangered Species Act listings, that might impact local plans or regulations, and (c) the availability of new data or ideas that may be incorporated into plans or regulations to strengthen them.

These questions are not an exhaustive list. OCD, with help from state agencies, has also prepared supplemental materials that include: checklists for comparing comprehensive plans and development regulations with basic requirements of the GMA; a chronological order of the amendments to the GMA since 1995; and a summary of statutory planning deadlines related to the GMA. We will continue to prepare technical assistance materials and distribute them as soon as they are available.

Please call OCD at (360) 725-3000 if you need further information on the 2002 update requirement or if you have questions about the resources listed below.

Questions shown in italics are not necessarily a requirement of the GMA. They may reflect other laws or state-recommended approaches.

Part A: Changes to the Growth Management Act (1995-2001)

The questions in this section relate to new requirements, based on key amendments made to the GMA between 1995 and 2001.

Best Available Science

- Have you reviewed your critical areas ordinances to see if they incorporate the best available science and special consideration for anadromous fisheries as required by RCW 36.70A.172?
- Did you identify sources of best available science used to develop your critical areas regulations? (This should be included in the record compiled during the adoption of your ordinance.)
- Does your comprehensive plan have policies that give guidance to your critical areas regulations and are those policies based on best available science?

Resources include:

- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations, Part Nine, Best Available Science (WAC 365-195-900 through 925)
- Minimum Guidelines to Classify Agricultural, Forest, Mineral Lands, and Critical Areas (Chapter 365-190 WAC)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-410, 210, and 825)
- RCW 36.70A.020(10); RCW 36.70A.030(5), (9), and (20); RCW 36.70A.060
RCW 36.70A.170; RCW 36.70A.172; RCW 36.70A.175
- *Citations of the Best Available Science for Designating and Protecting Critical Areas, Preliminary Draft Report for Public Review and Comment*, Washington State Office of Community Development, 2001
- *Wetlands Rating System for Eastern Washington or Wetlands Rating System for Western Washington*, Washington Department of Ecology, 1991 and 1993
- Stream Typing (WAC 222-16-030), Department of Natural Resources
- The Priority Habitats and Species Program (PHS), Department of Fish and Wildlife – www.wa.gov/wdfw/hab/phspage.htm

Essential Public Facilities

- Have you adopted a process for siting “secure community transition facilities” consistent with the statutory requirements and rules applicable to these facilities?
- Have you adopted a process in your policies and regulations for the identification and siting of transportation facilities of statewide or regional significance?

Resources include:

- 3 ESSB 6151, Chapter 12, Laws of 2001, E2
- RCW 36.70A.040(7); RCW 36.70A.200
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-340 and WAC 365-195-840)
- *Coordinating Transportation and Growth Management Planning (1998 Legislation HB: 1487 – “Level of Service Bill”)*, Washington State Department of Transportation and Washington State Office of Community Development

General Aviation Airports

- Do your comprehensive plan and development regulations have provisions to discourage the siting of incompatible uses adjacent to general aviation airports?
- Have plans and regulations been filed with the Aviation Division of the Washington State Department of Transportation (WSDOT)? Does your plan allow the siting and expansion of general aviation airports according to your provisions for siting essential public facilities and state requirements?
- *Do your comprehensive plan and development regulations regulate noise and height hazards associated with airports?*

- *Do land use and zoning designations in and adjacent to airports take the risk of aircraft accidents into consideration?*

Resources include:

- *Airports and Compatible Land Use Planning: An Introduction for Decision Makers*, Aviation Division, Washington State Department of Transportation, 1999
- Aviation Division, Washington State Department of Transportation – www.wsdot.wa.gov/aviation – (206) 764-4001
- RCW 35A.63.270; RCW 36.70.547; and RCW 36.70A.510

Integrating Environmental Review with the Permit Process

- Have you adopted regulations that integrate your environmental review process with your permit process?

Resources include:

- Project Consistency Rule (Chapter 365-197 WAC), Washington State Office of Community Development, 2001
- State Environmental Policy Act Rules (Chapter 197-11 WAC)
- SEPA Handbook – Washington Department of Ecology – www.ecy.wa.gov/programs/sea/sepa/e-review
- RCW 36.70B
- Good examples of ordinances that integrate environmental review with the permit process are available by calling the Washington State Office of Community Development, at (360) 725-3000

**Natural Resource Lands of Long-Term Commercial Significance
(Generally Applies Only to Counties)**

- Do your regulations include the requirement that all plats, short plats, development permits, and building permits within 500 hundred feet of agricultural, forest, or mineral lands of long-term commercial significance contain the notice that the subject property is within or near designated natural resource land on which commercial activities may occur that are not compatible with residential development for certain periods of limited duration? Do these notices for mineral lands also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals?
- *Have you assumed regulatory authority over Class IV forest practices regulated by local government, including development on land within an urban growth area, as required under RCW 76.09.240? Do your regulations equal or exceed State Forest Practice resource protection rules and regulations for these forest practice activities?*
- Have you reviewed your designated mineral resource lands and your development regulations for mineral resource lands, taking into account new data?

Resources include:

- *King County vs. Central Puget Sound Growth Management Hearings Board, et al*, 142.WN2d543(2000)
- RCW 36.70A.020(8); RCW 36.70A.030(2), (8), (10), and (11); RCW 36.70A.060(1); RCW 36.70A.131; RCW 36.70A.170; RCW 36.70A.177
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-210; 365-195-400, and 365-195-825)

Shoreline Master Programs

- Have you reviewed your shoreline master program for consistency with the other elements of your comprehensive plan and with your development regulations?
- Are your “shoreline environment designations” consistent with your zoning?
- Have you made any revisions to your Shoreline Master Program using the new shoreline guidelines if applicable?

Resources include:

- Washington Department of Ecology – www.ecy.wa.gov/watershed/inex.html
- Shoreline Guidelines (Chapter 173-26 WAC), subject to possible revisions by the Department of Ecology.
- RCW 36.70A.480

Transportation

- *Have you worked with your regional transportation planning organization to designate levels of service on highways that are not of statewide significance?*
- Have you incorporated the levels of service set by Washington State Department of Transportation for highways of statewide significance and eliminated these highways from your concurrency management system?
- Does your plan include an inventory of state transportation facilities in your jurisdiction’s area?
- Have you estimated the traffic impacts to state-owned facilities resulting from your land use assumptions?

Resources include:

- *Your Community’s Transportation System: A Transportation Element Guidebook*, Washington State Office of Community Development, 1993
- *Coordinating Transportation and Growth Management Planning (1998 Legislation HB: 1487 – “Level of Service Bill”)*, Washington State Department of Transportation and Washington State Office of Community Development
- RCW 36.70A.020(3); RCW 36.70A.070(6); RCW 36.70A.200; RCW 47.06.140
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-320; WAC 365-195-340; WAC 365-195-510; WAC 365-195-835; WAC 365-195-840)

Part B: New Laws, Events, or Endangered Species Listings That Might Affect Your Plan or Regulations

The questions in this section address some recent events and laws that may affect local plans or regulations.

Endangered Species Act

- *Have species listings under the Endangered Species Act (ESA) affected your land use assumptions, capital facilities planning, and your permit process? If so, how?*
- *If your jurisdiction is affected by an ESA 4(d) rule, are the requirements of a 4(d) rule, if applicable, incorporated into your comprehensive plan policies, your development regulations, and your critical areas ordinance?*
- *Will your jurisdiction need new capital facilities (e.g., new infrastructure, water, and wastewater utilities) to comply with ESA? Have they been included in the Capital Facilities Element of your plan?*
- *Will your stormwater regulations or clearing- and- grading ordinances need to be updated to protect fish habitat?*

Resources include:

- Washington State Department of Fish and Wildlife – www.wa.gov/wdfw/hab/phspage/htm
- Governor's Salmon Recovery Office – www.governor.wa.gov/esa/index.htm

Natural Hazard Mitigation

- *Have you considered adopting a Natural Hazard Reduction Element for your comprehensive plan?*
- *In addition to the critical areas that are required to be designated and protected by the GMA, has your jurisdiction considered designating other hazard areas, such as wildland/urban interface areas vulnerable to wildfires?*
- *Have you used best available science to limit the siting of essential public facilities in known hazardous areas?*
- *Did you consult with your local emergency coordinator when designating critical areas ordinances?*

Resources include:

- *Optional Comprehensive Plan Element for Natural Hazard Reduction*, Washington State Office of Community Development, 1999

Part C: Areas Where Local Plans Plan and Regulations Might Need Strengthening

The following questions address key components of local plans and regulations that may need strengthening to reflect new data or ideas consistent with the GMA.

Capital Facilities

- Has your concurrency ordinance or other mechanisms been effective in providing public facilities and services concurrent with development?
- Does your plan identify lands useful for public purposes?

Resources include:

- *Making Your Comprehensive Plan a Reality: A Capital Facilities Preparation Guide*, Washington State Office of Community Development, 1993
- RCW 36.70A.020(12); RCW 36.70A.030(12), (13), (16), and (19); RCW 36.70A.070(3); RCW 36.70.120; RCW 36.70A.150
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-040(3); WAC 365-195-200(13) and (16); WAC 365-195-210 WAC 365-195-315; WAC 365-195-430; WAC 365-195-510; WAC 365-195-835)

Critical areas

- Do you have policies in your comprehensive plan for identifying and protecting critical areas?
- Do your development regulations protect critical areas?

Resources include:

- See the resources listed under “Best Available Science” in Part A of this document.

Essential Public Facilities

- Do your plans and regulations provide for the identification and siting of essential public facilities?

Resources include:

- RCW 36.70A.200
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-340 and WAC 365-195-840)

Housing

- Do your county-wide planning policies and your plan have targets or objectives for providing affordable housing suited to the various income levels of people who live or work in your community?
- What strategy and mechanisms do you have for achieving these targets?
- How has your plan and development regulations provided for group homes, foster care facilities, accessory dwelling units, and manufactured housing in accordance with the GMA, *Washington Laws Against Discrimination (RCW 49.60.222-225)*, and the *Federal Fair Housing Act as amended (42 USC 3602 et seq)*?
- Does your plan include a housing inventory and analysis of future needs?

Resources include:

- *Assessing Your Housing Needs: A Practical Guide to Preparing a Housing Needs Assessment under CHAS and GMA Requirements*, Washington State Office of Community Development, 1992
- *Housing Your Community: A Housing Element Guide*, Washington State Office of Community Development, 1993
- *Affordable Housing Techniques*, Municipal Research and Services Center, 1992
- “Group Homes in Washington State, Questions and Answers,” Washington Department of Social and Health Services
- “Accessory Dwelling Unit Ordinance Study and Recommendations,” Washington State Office of Community Development, State Building Code Council, 1994
- “New Daycare Siting Preemptive Legislation,” Association of Washington Cities, 1994
- “Joint Statement of the Department of Justice and the Department of Housing and Urban Development on Group Homes, Local Land Use, and the Fair Housing Act”, 1999
- RCW 36.70A.020(4); RCW 36.70A.070(2); RCW 36.70A.200(1); RCW 36.70.400; RCW 36.70A.410; RCW 36.70A.450; RCW 43.63A.215
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-310, and WAC 365-195-860)

Monitoring

- *Does your jurisdiction have a method for monitoring how well your comprehensive plan policies, development regulations, and other implementation techniques are achieving your comprehensive plan’s goals and the goals of the GMA?*
- *Does your comprehensive plan and development regulations define a process for amending your plan?*
- *Does your plan define an “emergency” for the purpose of amending your plan or development regulations?*
- *Is the plan amendment process coordinated among the county and cities within a county?*

Resources include:

- RCW 36.70A.100; RCW 36.70A.106; and RCW 36.70A.130
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-865)

Natural Resource Lands (Generally for Counties)

- Does your comprehensive plan have policies for conserving natural resource lands and encouraging natural resource industries?
- Do your development regulations conserve natural resource lands and encourage natural resource industries?

Resources include:

- See the resources listed under “Natural Resource Lands of Long-Term Commercial Significance” in Part A of this document.

Population

- Does your plan indicate the population for which it is planning and is this projection used consistently in the plan?
- Is the population growth projected in your comprehensive plan consistent with the Washington Office of Financial Management forecast for your county or the county's subcounty allocation of that forecast? If not, what is your rationale for using another figure?
- For counties: What is the percentage of county-wide population growth that is allocated for urban growth areas? Is this allocation consistent with GMA goals of encouraging urban growth in urban areas, reducing sprawl, and ensuring that public facilities and services are efficiently provided?

Resources include:

- Washington Office of Financial Management, Theresa Lowe, by phone at 360-902-0588
- *The Art and Science of Designation Urban Growth Areas, Part II: Some Suggestions for Criteria and Densities*, Washington State Office of Community Development, 1992
- *Predicting Growth and Change in Your Communities: A Guide to Subcounty Population Forecasting*, Washington State Office of Community Development, 1995
- RCW 36.70A.020(1)-(2); RCW 36.70A.020(12); RCW 36.70A.070 (second sentence); RCW 36.70A.070(1); RCW 36.70A.110(2)

Public Participation

- Has your jurisdiction established and distributed information on methods for citizens to participate in the land use planning and permit process?

Resources include:

- RCW 36.70A.020(11); RCW 36.70A.035; RCW 36.70A.140; RCW 36.70B
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-600)
- *A Bottom's Up Primer, A Guide to Citizen Participation*, Washington State Office of Community Development, 1991
- *Towards Managing Growth, A Guide to Community Visioning*, Washington State Office of Community Development, 1991

Rural (Counties Only)

- Do the comprehensive plan and development regulations provide for rural densities and uses on rural lands?

Resources include:

- *Defining Rural Character and Planning for Rural Lands: A Rural Element Guide*, Washington State Office of Community Development, 1994
- *Keeping the Rural Vision: Protecting Rural Character and Planning for Rural Development*, Washington State Office of Community Development, 1999
- RCW 36.70A.030(14)-(16); RCW 36.70A.070(5)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-330)

Subdivision Regulations

- Do your subdivision regulations encourage urban growth in urban growth areas and discourage sprawl?
- Are your subdivision regulations consistent with supporting an efficient transportation system and other appropriate infrastructure?
- Are your subdivision regulations consistent with your comprehensive plan and the GMA?

Resources include:

- *Model Code Provisions: Urban Streets and Subdivisions*, Washington State Office of Community Development, 1998
- RCW 36.70A.030(7); RCW 58.17.020; RCW 58.17.060; RCW 58.17.090; RCW 58.17.092; RCW 58.17.100; RCW 58.17.110; RCW 58.17.140; RCW 58.17.180; RCW 58.17.330
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations [WAC 365-195-825(4)]

Transportation

- What transportation demand strategies do you have and have they been effective?
- Have you designated levels of service for local arterials and, if applicable, transit routes?
- Do you have ordinances for transportation concurrency, consistent with RCW 36.70A.070(6)(b)?

Resources include:

- *Your Community's Transportation System: A Transportation Element Guidebook*, Washington State Office of Community Development, 1993
- RCW 36.70A.020(3); RCW 36.70A.070(6); RCW 36.70A.200; RCW 36.70A.420; RCW 36.70A.430; and RCW 47.06.140
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-325 and WAC 365-195-835)

Urban Growth

(Note: By definition, "urban growth areas" means all unincorporated areas so designated by a county and all incorporated cities and towns.)

- Do your urban growth areas (incorporated or not) provide for achieving urban densities, services, and uses?
- Do your policies and regulations encourage urban growth in urban areas and reduce sprawl? If so, is your urban growth area appropriately sized for the population projection within the planning period?
- Is there a coordinated approach to planning for development in urban growth areas, especially among adjacent jurisdictions?

Resources include:

- *The Art and Science of Designating Urban Growth Areas: Part II, Some Suggestions for Criteria and Densities*, Washington State Office of Community Development, 1992

- “Appendix A: Measures to Achieve Growth Objectives,” *Buildable Lands Program Guidelines*, Washington State Office of Community Development, 2000
- RCW 36.70A.020(1)-(2); RCW 36.70A.030(17)-(18); RCW 36.70A.110; and RCW 36.70A.210(3)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-335)

Water Quality and Quantity

- *Does your jurisdiction have water rights to support your plan’s projected 20-year growth or a strategy to obtain them?*
- *Does your stormwater regulations incorporate the Washington Department of Ecology’s manual for your region?*
- *For jurisdictions in the Puget Sound basin, have you implemented the stormwater, habitat, shellfish and on-site sewage programs of the 2000 Puget Sound Water Quality Management Plan through your comprehensive plan, your critical areas ordinance, your development regulations, and the Capital Facilities Element of your plan?*

Resources include:

- Puget Sound Action Team – www.wa.gov/puget_sound/Publications/manplan00/mp_index.htm
- *Stormwater Management Manual for Western Washington, Volumes I-IV*
Department of Ecology (also www.ecy.wa.gov)
- RCW 36.70A.070(1); RCW 36.70A.070(3)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-735, and WAC 365-195-800)